



California Water Plan Update 2013 Tribal Advisory Committee Charter Development Worksheet

The Tribal Advisory Committee (AC) Charter includes provisions on how the group will conduct its business. There are various options the group may select, based on its preferences. Language in the worksheet is offered as a sample of some of the approaches and is a starting point for discussion rather than a specific recommendation.

Tribal Advisory Committee Interaction with Public Advisory Committee

The California Water Plan is required by law to convene a Public Advisory Committee (AC) comprised of representatives of various sectors to assist the department in the updating of the California Water Plan. The Tribal AC has been formed in recognition of an essential need for tribal perspectives to be more formally incorporated into the planning deliberations. To do this, collaboration between the Tribal AC and Public AC will be needed. Since there are various options, following is sample charter language for consideration of the Tribal AC. The options are not exclusive of each other, but demonstrate the multiple opportunities for the Tribal AC to work with the Public AC:

Sample 1. Tribal AC members on the Public AC

The Tribal Advisory Committee may identify 2-3 members to sit on the Public Advisory Committee. Public AC member shall be determined based on willingness to serve and a super majority vote from the Tribal AC of volunteers to the Public AC membership. *[Note: The Tribal AC members sitting on the Public AC would be required to follow all of the requirements of the Public AC including acceptance of the Public AC Charter and attendance at all Public AC meetings.]*

- a. Roles and Responsibilities of Tribal AC members on Public AC
 - The Tribal AC members shall not make any decisions or recommendations to the Public AC on behalf of the Tribal AC that have not been reviewed and agreed upon by the Tribal AC.
 - The Tribal AC members on the Public AC may be asked to provide an experience-based, frame of reference to the Public AC in connection

with decisions and recommendations affecting tribal communities. However the Tribal AC members to the Public AC cannot solely present their individual or tribal views.

Sample 2 - Status Updates: The Tribal AC may provide status updates to the Public AC (Note: the Public AC may also seek to provide status updates to the Tribal AC). Updates can be accomplished via:

- a. Standing tribal updates on the Public AC Agenda (and vice versa).
- b. Requests to make special presentations to the Public AC (and vice versa).
- c. Joint Public AC and Tribal AC meetings in addition to annual plenary sessions.

Sample 3 – Formal Ad Hoc monitors/presenters to the Tribal AC. The Tribal AC may identify ad hoc monitors to attend Public AC meetings as representatives of the Tribal AC on particular issues. These Ad Hoc monitors can be determined on a rolling basis based on Tribal AC member availability and expertise. The monitors shall not make any decisions or recommendations to the Public AC on behalf of the Tribal AC that have not been reviewed and agreed upon by the Tribal AC. Identification of the representative and topic shall be made in advance and provided to Public AC Executive Sponsor and Facilitator.

Sample 4 – Informal Ad-Hoc monitors/presenters to the Tribal AC. The Tribal AC may identify ad hoc monitors to attend Public AC meetings as members of the public on particular issues. These Ad Hoc monitors can be determined on a rolling basis based on Tribal AC member availability and expertise. The Tribal AC members shall not make any decisions or recommendations to the Public AC on behalf of the Tribal AC that have not been reviewed and agreed upon by the Tribal AC.

Sample 5 – Tribal Member attendance at the Public AC.

Members of the Tribal AC may attend a Public AC, or any other Water Plan meeting, as a member of the public and represent themselves or another entity (as authorized by that entity). In this situation, the member would not serve as a representative of the Tribal AC.

Other -

Membership Process - Additional Members to the Tribal AC

All formally organized California tribes (both federally recognized and non-federally recognized) and organizations representing Tribal interests were invited to identify a liaison or member and an alternate for the Tribal AC. The liaisons and alternates identified by a Tribe or organization became member of the Tribal AC. There was no application process. It was requested that Tribal AC members and their alternates be a Tribal chairperson, councilmember, or board member as appropriate, but this was not required. There is a need to determine the method to add additional members to the group. In general it is difficult for an Advisory body to form when there are numerous membership changes. Since there are various options, following is sample charter language for consideration of the Tribal AC. The options are not exclusive of each other, but demonstrate the multiple opportunities for tribal people to be engaged in the Water Plan process.

Sample 1:

All formally organized California tribes (both federally recognized and non-federally recognized) and organizations representing Tribal interests are invited to identify a liaison or member and an alternate for the Tribal AC. Some Tribes may seek to identify Tribal AC members at a later date, beyond the convening of the Update 2013 Tribal AC. These members shall sit on the Tribal AC if they meet the following requirements:

1. They must go through the same identification process as original Tribal AC members;
2. They must meet the same requirements for Standing , Availability, Collaborative Spirit, and Commitment to the process as sitting Tribal AC members;
3. New Members shall acknowledge that they are not permitted to revisit previous recommendations or decisions of the Tribal AC; and
4. All New Tribal AC members will be required to go through an orientation process to ensure they are familiar with the Tribal AC's work and actions up until the date of their joining the Tribal AC.

Sample 2:

In addition to the positions on the Tribal AC, many opportunities exist for tribal leaders, tribal community members, and tribal individuals to directly participate in Update 2013 through the Topic-based Caucuses and Regional Forums. Membership in the Tribal AC is not required for membership in these groups; however, individuals in these forums may not make any decisions or

recommendations on behalf of the Tribal AC that have not been reviewed and agreed upon by the Tribal AC.

Other:

Decision Making

The California Water Plan Executive Sponsors value broadly supported advice and recommendations provided by its Advisory bodies. Proposals receiving substantial consensus receive the highest possible consideration; however, consensus on a certain proposal does not mandate either its inclusion in or exclusion from the Water Plan. Since there are various options for decision making, following is sample charter language for consideration of the Tribal AC. The options are not exclusive of each other, but demonstrate the multiple options for decision making in the Water Plan process.

Sample -

Section 1: The Tribal AC will operate as a consensus-seeking body that provides advice to the project sponsors. Proposals receiving substantial consensus will receive the highest possible consideration; however, consensus on a certain proposal does not mandate either its inclusion in or exclusion from the Water Plan.

Section 2: The statutory timelines of the California Water Plan along with direction from the Executive Sponsor (or her/his designee) will determine how much time and energy to put toward seeking consensus recommendations on various water plan topics before the Tribal AC. The facilitator will help the group determine the level of agreement within the group on each topic, and will offer process suggestions for reaching consensus. In the event that the group does not reach consensus in the allotted time, group members' diverse opinions will be recorded along with their rationale. These will be received by California Water Plan for consideration along with the group's consensus recommendations. Where possible, the consensus will be noted and achieved without the need for formal votes.

Section 3: When formal voting is necessary to determine the presence or lack of consensus, the method used will go beyond a simple "yes" or "no" response and instead measure (and report) the wide spectrum of options to give the most accurate picture of viewpoints on the committee.

As an Example, the range of opinion solicited might include:

Unqualified Support: Full agreement with all aspects of a proposal

Strong Support: for most aspects of a proposal. No fundamental disagreements with any aspect of a proposal.

General Support for all or most aspects of a proposal. No fundamental disagreement with Key aspects of proposal.

Qualified Support Significant disagreement with one or more aspects of proposal; however, the member can live with the proposal as packaged – i.e., the suggested proposal is better than the status quo (in this “not happy, but I’ll live with it” option, parties may be asked to work on generating alternative options or language that address the concerns of all.)

Fundamental Disagreement with key aspects of proposal. Not willing to support or live with the proposal as it stands. Parties with this opinion may be asked to suggest alternatives that move the proposal toward accommodating the interests of all.

Section 4: If various perspectives offered do not agree, the differences will be recorded as part of the draft content. Additional meetings may be held to address these differences and may be run in parallel to other topics.

Section 5: Input is used to assist in understanding the extent to which there is shared perspective or meaning about the items being considered. Items moved forward as a group product will be considered by the full Tribal AC. Items before the body will be presented in writing and members allowed sufficient time to consider them.

Section 6: Straw polls or requests for general preferences may be conducted. These types of inquiries are for the purpose of refining ideas, providing direction to the project staff, or both. Such polls will not constitute a formal decision making process.

Section 7: Any item brought forward for a formal decision of the Tribal AC will be clearly identified as such, presented in writing, and given ample notice to allow individual members to speak on behalf of their organizations and/or tribes.

Section 8: The Tribal AC may conditionally support specific recommendations and/or decisions. This conditional support may be contingent on vetting to tribal decision makers as is deemed necessary by the Tribal AC.

Section 9: The Tribal AC may determine that a particular recommendation or vote does not require a formal endorsement of the member tribes and/or organizations. In this case, a conditional recommendation will be provided.